

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

DECLARATION OF STEPHEN DENNIS

Stephen Dennis, pursuant to 28 U.S.C. § 1746, declares as follows:

1. My name is Stephen Dennis. I am the father of Zachary Dennis (“Zach”), am over the age of 18, and have personal knowledge of the events described in this declaration.
2. During the 2007-2008 school year, Zach was an eighth grade student at Mount Vernon Middle School. His science teacher was John Freshwater.
3. On December 6, 2007, I drove Zach to Cleveland for hockey practice. During practice, I noticed that Zach seemed uncomfortable. While he was out on the ice, he kept shaking his arm.
4. After practice was over, Zach came off the ice, pulled off his goalie pads, and told me that his arm was bothering him. He said it was irritated and itchy.
5. He showed me his arm which had a series of red, raised welts on it that formed the shape of a cross.
6. My reaction to seeing the welts on my son’s arm was shock and outrage. I took three or four photographs of Zach’s arm with my cell phone camera.

7. Attached to this Declaration is a true and accurate copy of one of the photographs of Zach's arm that I took with my cell phone camera on December 6, 2007.

8. I asked Zach what caused the mark on his arm, and he told me that Mr. Freshwater had done an experiment in science class and that Mr. Freshwater had used a device to put the cross on Zach's arm. I now know that the device Zach was describing is called a Tesla coil.

9. We left hockey practice and arrived home at around 11:30 p.m. My wife, Jenifer Dennis ("Jeni") and I tried to put Zach to bed. He woke up crying and said his arm was bothering him. Jeni gave Zach a pain medicine, and put a cold washcloth on his arm. Jeni and I took some additional pictures of the mark on Zach's arm. The mark on Zach's arm disappeared after several weeks.

10. Concerned about Zach's safety and the safety of other students in Freshwater's class, my wife and I went to talk to Stephen Short, the Superintendent of the Mount Vernon City School District, on December 7, 2007 about what happened to Zach. We wanted to find out more details about what happened to our son, and to find out from the school what device Mr. Freshwater had used to make the mark on Zach's arm.

11. During that meeting, we asked Mr. Short to investigate the incident and to make sure that the same thing did not happen to Zach or any other students in the future.

12. We emphasized to Superintendent Short that we wanted to keep this matter private.. We did not report the incident to the police. We told Mr. Short that we wanted to remain anonymous throughout any investigation that took place. Our goal in talking to school officials was to protect Zach and other Mount Vernon students from suffering additional harm.

13. While school officials investigated the Tesla coil incident over the next few months, we came to learn of other unusual activities taking place in Mr. Freshwater's classroom. We discovered, among other things, that Mr. Freshwater had been teaching religion during science class and that he had religious displays posted in his classroom, including multiple copies of the Ten Commandments. We also found out that Mr. Freshwater kept a collection of Bibles in the back of his room. We raised these new concerns and others with school officials and again asked that they keep our names quiet to protect Zach, who had to remain in school and in Mr. Freshwater's science class.

14. Despite our request to remain anonymous, Mount Vernon Middle School Principal William White later disclosed our names to Freshwater on April 7, 2008.

15. After repeated discussions with school officials, the situation with Freshwater still had not been handled to our satisfaction. On June 13, 2008, we filed a lawsuit in the United States District Court for the Southern District of Ohio against the Mount Vernon City School District Board, Stephen Short, William White, and Mr. Freshwater. We settled our claims against the School Board, Short and White on October 1, 2009.

16. We acted in good faith when we filed the lawsuit. We filed it solely to protect Zach and other Mount Vernon students from future harm. We did not file the lawsuit to try to harass or embarrass Mr. Freshwater, or to cause him emotional distress.

17. I firmly believed at the time we filed the lawsuit, and continue to believe today, that all of the allegations we made in our First Amended Complaint that we filed in this lawsuit are true.

18. Once our names and the facts surrounding this lawsuit became public we received numerous requests from reporters for interviews. We repeatedly turned down those

requests because we wanted to keep this matter as private as possible. We also did not participate in or organize any rallies to seek community support. The first time that we made our side of the story public was on June 13, 2008 when we filed the federal lawsuit.

19. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 16, 2009.

/s/Stephen Dennis

Stephen Dennis

EXHIBIT 1

